

Springerville Town Council
Minutes
May 19, 2004

Present: Mayor Kay Dyson, Vice-Mayor Mary Nedrow, Mark Baca, Scott Cray and Pete Hunt

Staff: Kurt Hassler Town Manager, Val Cordova Town Clerk, Sterling Solomon Town Attorney, and Steve West

Public: Betty Amator, John Bannister, Lynn Levingston, Martha Marquez, Scott Garms, Stan and Margaret McCue, Quentin McCue, Doug and Carol Henderson, Rachel I. Kuenstler, Deanna Duers and Larisa Bogardus.

1. Call to Order

Mayor Dyson called the meeting to order at 6:04 p.m.

2. Pledge of Allegiance and Invocation

Councilman Baca led the Pledge of Allegiance and Invocation by Councilman Hunt.

3. Public Participation

Jeff Barbie complimented the fire department for the great job they did in responding to an emergency at his place last week. He also apologized for the remarks he made at the last meeting regarding donation policies but did not regret saying them. He felt that the council needs to have something in place before giving out money.

4. Manager, and Council Reports

Council Reports

Mayor Dyson reported that she attended a meeting sponsored by the Archaeological Conservancy at the Forest Service office. They met to come up with a management plan for the Sherwood Ranch Pueblo Archaeological Reserve, formally known as Raven Site. The Center for Desert Archeology will do a presentation on what they plan to do with the site. They will be asking the town to partner with them in distributing brochures, possibly lead guided tours from our Visitors Center and place a kiosk in our Visitors Center museum. They are in the process of writing up a plan for presentation and public comments.

Yesterday she and Steve West attended an Apache County Emergency meeting regarding a community wildfire protection plan for Navajo County. A plan for Apache County is now being written that will bring money to the area to do tree thinning and educating people on being fire wise. This plan will need to be reviewed and approved by each town council around late August.

Councilman Baca reported that he attended the joint council meeting between Springerville and Eagar at the Forest Service meeting room. They listened to three informative speakers but would let Councilman Cray report on it.

Councilman Cray reported that the multiple airport advisory committee has the rules and regulations for our airport completed.

He said he met with Glenna Crosby. The meeting was regarding an apology not being forthcoming from the council and explained to her the legal reasons for not doing so.

He met with Dana Overson regarding concerns on the school rehab with CDBG funds. She explained that the town can only amend the plan twice but the project has to be completed by December 5, 2005. Dana also recommended that they roll the \$109,000 into housing rehab if they don't move forward due to constraints with time lines. He also met NACOG regarding the CDBG housing rehab this week. They have set up the rehab criteria.

Buzz Kennedy submitted a bid for doing the mold, lead and asbestos remediation and would be able to reduce the amount significantly if the town handled the disposal portion of it. Blue Hills Environmental will setting up a free dumpster and give an estimate for disposal of materials that will save a lot of money.

Mr. Hassler was directed to add the school committee to the May 26th special meeting agenda prior to town manager phone interviews.

Councilman Cray said he also met with Lynn Livingston regarding the Tumbling T road closure and recommended that they move her up on the agenda.

At the joint council meeting Game and Fish talked about their economic impact to the area. The Bureau of Land Management explained that the money they get from land auctions goes into education. The Forest Service explained how they would create barriers outside Springerville and Eagar as a buffer to any fire danger there may be with tree thinning.

Town Manager

Mr. Hassler advised the council that the League of Cities and Town's annual conference is going to be held on August 31st to September 3rd in Oro Valley. He asked the council to think about who would be attending to reserve rooms in advance.

Council committee appointments will be on the agenda for the first meeting in June and will put a copy of the current committees in their boxes for review.

The Moses sewer line is moving forward and should be hooked up and functional by the end of next week. The water has been sanitized and pressurized and is ready to go. This project should be coming to completion. Mr. Hassler noted that this project looks to be coming in around the price it was awarded for.

Chamber of Commerce

Marnie Uhl Chamber Director reported that the Visitors Guide and Business Directory are available at the Chamber.

Lil Rangler's Restaurant will be hosting the business after hour's mixer at 5:30 tomorrow night.

Dr. Alan Lee has opened a new business "Eye Care Unit" in the Chiricahua Plaza.

Arizona Highways television will be here at the end of the month.

The chamber will be having their annual planning retreat on Monday May 24th and the annual luncheon and general meeting will be on June 24th.

5. Minutes: Consider minutes of May 6, 2004 town council meeting

Mayor Dyson noted that there was an error on the time the regular meeting was reconvened after executive session and asked that it be corrected.

Motion by Mary Nedrow/Mark Baca to approve the minutes of the town council meeting held on May 6, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Old Business:

6. Resolution 2004-R006: Consider authorizing the Mayor to sign Resolution 2004-R006 regarding payments to the common council.

Mr. Hassler explained that the wording on this resolution also allows the council to decide each year if they want to receive compensation by a majority vote of the common council in June for the following fiscal year. The wording in this resolution should allow this to happen legally in the future.

We have checked with our auditors about allowing individual members of the common council to refuse payment. They stated if one council member is paid the IRS will consider all members to be paid and we will be forced to pay taxes on that money. This is a situation where all council members get paid or none get paid. This will be on the June 2nd agenda for approval.

Motion by Mary Baca/Mary Nedrow to authorize the Mayor to sign Resolution 2004-R007 setting the fee schedule for the Town of Springerville.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

7. Resolution 2004-R009 Consider authorizing the Mayor to sign Resolution 2004-R009 setting the fee schedule for the Town of Springerville.

Mayor Dyson explained that there was a hearing regarding the water and sewer rates to get public input. There were compromises regarding rates and again asked the public if they had any questions regarding any of the proposed rate changes. There were no questions or comments from the public at this time.

Mr. Hassler noted that all these rates would go into effect in thirty days and would be on the July bills.

Motion by Pete Hunt/Mary Nedrow to authorize the Mayor to sign Resolution 2004-R009 setting the fee schedule for the Town of Springerville.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

8. Police Department Presentation: Hear a presentation by the police department regarding activities over the past year

Steve West suggested that his presentation be moved to the end of the agenda to give others a chance to be heard first.

28. Tumbling T. Drive: Consider a request from Lynn Levingston to close Tumbling T. Drive to through traffic.

Ms. Levingston introduced herself and stated that she lived at 417 Tumbling T. Drive and addressed the Council regarding closing Tumbling T. Drive. She read a document regarding statistics of the number of child pedestrian injuries in residential roads with high traffic volume. She stated that they circulated a petition. 58% of the individuals they talked to would like to see the road closed.

Ms. Levingston was asked by Mayor Dyson to leave a copy of her petition and a copy of her statement with the clerk.

Mayor Dyson asked if the original subdivision plot plan showed Tumbling T an open or closed road and asked if there would be any problems.

Mr. Hassler advised the council that Chapter 16.16.010(C)—Cul-de-sacs, dead-end streets, shall be used only where unusual drainage or land ownership configurations exist which make other designs undesirable. There is already a through street. Each cul-de-sac shall have a minimum dedicated width of fifty (50) feet and shall be terminated by a turn-around which has a dedicated diameter of not less than one hundred (100) feet. Surface water must drain away from the turn-around, except that where surface water cannot be drained along the street away from the turn-around, due to the grade, necessary catch basins and drainage easements shall be provided.

He recommended that Cul-de-sacs be created so that when people drive down there they have a route to turn around.

Mr. Solomon was asked if there were any legal issues with closing the road. He responded that the town could lose the easement, not just the ingress, egress but utilities as well. He noted that when the road was closed before it may not have been properly handled.

Mr. Hassler explained that they are discussing either gating the road or creating two back to back cul-de-sacs with no room between them then there would be no easement to lose. They would have to get more easement for the turn around. One side belongs to the State Dept of Transportation and he did not know who owned the lot on the other side. He advised the council that there would probably be a cost associated. The Department of Transportation has fencing that is based on a set back.

Councilman Cray stated that if the council had the authority to open it then they have the authority to put a gate across even if it is temporary while they work this out.

Mr. Solomon advised the council that the town could possibly lose the easement the way the law is structured in Arizona, it takes years to work it out.

Councilman Hunt suggested tabling this item until they get more information on cost and availability of easements. He noted that they did not have enough information to make a decision tonight.

Mr. Solomon advised the council to table this item because they need more information.

Motion by Scott Cray to close the Tumbling T Drive with a gate for an indefinite period of time.

The motion died for lack of a second.

Motion by Kay Dyson/Pete Hunt to table this until the next regular council meeting in June.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Mr. Solomon commented to Ms. Livingston "with all due respect that her facts and figures in her statement have not been verified, we don't know where they came from"

Ms. Livingston "I have it right here"

Mr. Solomon "I understand" but said "he wanted this noted in the minutes".

Ms. Livingston "Do you think we are that desperate that I just made up those figures"?

Mr. Solomon "No, No, I just want it noted in the minutes that they are your opinions and not the opinion of the council at this time, that's all".

Mayor Dyson expressed their appreciation for their comments and suggested that the police department could watch more between now and the June 2nd meeting.

Ms. Livingston advised the clerk that she would not leave copies of her papers because the attorney called her a liar.

New Business:

9. Sewer Line Relocation: Consider authorizing the town manager to relocate an existing sanitary sewer line near Susie Lane and Maricopa Street.

Mr. Henderson explained that he was unaware of a city sewer line that runs parallel to Maricopa Street. He explained that he went to the title company but the easement was not recorded. He said he talked to Mr. Kowen the former manager and a decision was made to eliminate that line and go across the back side of Suzie Subdivision. This new sewer line could take care of the people currently hooked to it.

Mr. Hassler concurred with Mr. Henderson and explained that there are two options they have looked at, one would be put into the west side Suzie subdivision at a cost of about \$6,500 for materials but would give more people an opportunity to hook up to city sewer. Option two would be to run a line up Maricopa in the street at a cost of about \$5,500 but it is deeper and we would have to tear into the road and Maricopa would have to shut down for about a week.

Mr. Henderson stated that he is not in a hurry to do it as long as he knows that there is a plan to rectify it.

Motion by Scott Cray/Pete Hunt to authorize the town manager to construct a new sewer line on the west edge of Suzie subdivision to replace the existing line.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

10. Chamber of Commerce Budget Request: Consider a request from the Springerville-Eagar Chamber of Commerce for its' 2004-2005 budget.

Larisa Bogardus explained that they are asking for an increase this year but are also increasing the membership dues by 20% to keep up with the services they provide. They need another support staff member to assist Marnie with answering the phone and assist with the duties.

Rachel Kuenstler Certified Public accountant for the chamber presented and reviewed the budget for the Council. She said that the total budget they are requesting from both towns is \$59,900. She explained that the increase they are asking for includes \$2,500 cost of living and merit increase for the chamber director, \$500.00 COLA and merit for the shop manager and \$8.00 an hour for a half time person plus employee related expenses. They will also need to have the chamber newsletter contracted out and would like to put in a toll free 800 telephone line. (Chamber budget attached)

Mayor Dyson clarified that they were asking for an additional \$10,000 from both towns. She said it was a credit to Marnie what the chamber has accomplished shown by the increase in membership to 290 members.

Mr. Hassler asked if the council members would each come in and talk to him and give him some idea of what they would like to do then he can start working it into the budget. Last year the town budgeted and gave them \$37,000.

11. State Procurement Contract: Consider authorizing the town manager to sign a contract to allow the town to participate in the Arizona Cooperative Purchasing program.

Mr. Hassler explained that the town has used this contract in the past to do purchasing for the last couple of years at a cost of \$250.00 membership.

Motion by Pete Hunt/Mary Nedrow to authorize the town manager to sign a cooperative State Purchasing Agreement for fiscal year 2005 and pay the annual membership fee.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

12. Pioneer Park Master Plan: Consider adopting a master plan for Pioneer Park as recommended by the Parks, Recreation and Cultural Heritage Committee.

Mr. Hassler explained that he would talk about both the Pioneer and Becker Memorial Parks during his presentation. He said that the committee developed master plans for both parks and stated that there was general consensus from the committee that they would like to see Navopache up at the industrial park. In research he did, he determined that there is a lease agreement for the south half of the lot through 2012. The other portion he cannot find a lease agreement for. He went through all of the changes and long term plans with the council.

He then reviewed the plans for the Becker Memorial Park. Mr. Hassler recommended negotiating with the Presbyterian Church to obtain either a long term lease or title to the park property. He also recommended not spending a lot of money without having a title or long term lease. He advised the council that town crews are going to begin putting in a concrete bench and railing to assist people walking from the back parking lot to the post office.

Mayor Dyson expressed her gratitude with having a master plan and direction for the parks.

Motion by Scott Cray/Mark Baca to approve the master plan for Pioneer Park as presented by the town manager.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

13. Becker Memorial Park Master Plan: Consider adopting a master plan for Becker Memorial Park as recommended by the Parks, Recreation and Cultural Heritage Committee.

Motion by Scott Cray/Mary Nedrow to approve the master plan as presented by the town manager.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

14. Airport Committee Member: Consider replacing one of the members on the Springerville Municipal Airport

The consensus of the Council was to treat this position as any other and advertise the vacancy on the committee until the second meeting in June.

Mr. Hassler noted that we also have another vacancy on the planning and zoning as Arnie Moya has resigned effective immediately.

Motion by Scott Cray/Mark Baca to table this item until it has been advertised for two weeks.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

15. Ordinance 2004-004: First reading and discussion of Ordinance 2004-004 regarding proposed changes to Chapter 2.04 Town Council of the Springerville Municipal Code.

Mayor Dyson explained that they have been going through the town code making it a modern accurate code. This is the first chapter under scrutiny with revisions. "An ordinance of the Town of Springerville, Arizona, relating to changes to chapter 2.04 – Town Council of the Springerville Municipal Code and designating an effective date".

16. Ordinance 2004-005: First reading and discussion of Ordinance 2004-005 regarding proposed changes to Chapter 2.08 – Mayor of the Springerville Municipal Code.

Mayor Dyson read "An ordinance of the Town of Springerville, Arizona, relating to changes to chapter 2.08 – Mayor of the Springerville Municipal Code and designating an effective date".

17. Ordinance 2004-006: First reading and discussion of Ordinance 2004-006 regarding proposed changes to Chapter 2.12 – Town Manager of the Springerville Municipal Code. Read by Mayor Dyson.

Mr. Hassler explained that the biggest change to this section is that in the absence of the manager the employee manual shall dictate who will act as manager during absence or incapacity. It also added a section 2.12.180 stating that in the event that the town manager position becomes vacant the common council shall appoint an interim town manager by a majority vote.

"An ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.12 – Town Manager of the Springerville Municipal Code and designating an effective date". Read by Mayor Dyson.

18. Ordinance 2004-007: First reading and discussion of Ordinance 2004-007 regarding proposed changes to Chapter 2.16 – Town Clerk of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.16 – Town Clerk of the Springerville Municipal Code".

19. Ordinance 2004-008: First reading and discussion of Ordinance 2004-008 regarding proposed changes to Chapter 2.24 – Town Attorney of the Springerville Municipal Code.

This section was changed to state that the town attorney shall be appointed by the council not the town manager.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.24 – Town Attorney of the Springerville Municipal Code". Read by Mayor Dyson.

20. Ordinance 2004-009: First reading and discussion of Ordinance 2004-009 regarding proposed changes to Chapter 2.28 – Public Works Director of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to chapter 2.28 – Public Works Director of the Springerville Municipal Code and designating an effective date". Mayor Dyson explained that our town manager selects all the department heads. Read by Mayor Dyson.

21. Ordinance 2004-010: First reading and discussion of Ordinance 200-010 regarding proposed changes to Chapter 2.32 – Town Officers Generally of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.32 – Town Officers generally of the Springerville Municipal Code and designating an effective date". This chapter is being repealed because it is covered in the employee manual.

22. Ordinance 2004-011: First reading and discussion of Ordinance 2004-011 regarding proposed changes to Chapter 2.36 – Magistrate's Court of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.36 – Magistrate's Court of the Springerville Municipal Code and designating an effective date. Read by Mayor Dyson.

23. Ordinance 2004-012: First reading and discussion of Ordinance 2004-012 regarding proposed changes to Chapter 2.40 - Police Department of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.40 – Police Department of the Springerville Municipal Code and designating an effective date". Read by Mayor Dyson.

24. Ordinance 2004-013: First reading and discussion of Ordinance 2004-013 regarding proposed changes to Chapter 2.44 – Fire Department of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona relating to changes to Chapter 2.44 – Fire Department of the Springerville Municipal Code and designating and effective date". Read by Mayor Dyson.

25. Ordinance 2004-014: First reading and discussion of Ordinance 2004-014 regarding proposed changes to Chapter 2.48 – Emergency Management and Disaster Preparedness of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.48 – Emergency Management and Disaster Preparedness of the Springerville Municipal Code and designating an effective date". Read by Mayor Dyson.

26. Ordinance 2004-015: First reading and discussion of Ordinance 2004-015 regarding proposed changes to Chapter 2.52 – Emergency Services of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.52 – Emergency Services of the Springerville Municipal Code and designating an effective date. Read by Mayor Dyson.

27. Ordinance 2004-016: First reading and discussion of Ordinance 2004-016 regarding proposed changes to Chapter 2.56 – Personnel System of the Springerville Municipal Code.

"An Ordinance of the Town of Springerville, Arizona, relating to changes to Chapter 2.56 – Personnel System of the Springerville Municipal Code and designating an effective date. Read by Mayor Dyson. This is extensive in what is removed but relates back to the employee manual which has been rewritten in its entirety and reviewed by multiple attorneys.

Mr. Hassler stated that these ordinances will become effective thirty days after they are adopted by the council except for the ordinance regarding the town manager because of the appointment of an interim town manager which has a clause to become effective immediately.

28. Police Department Presentation: Hear a presentation by the police department regarding activities over the past year.

Chief of Police Steve West gave a ten minute Power Point presentation of activities over the past year.

29. Town Manager Selection: Consider entering into executive session to discuss the town manager selection process and give the town manager direction on how to proceed, also consider appointing an interim manager.

Motion by Mary Nedrow/Mark Baca to enter into executive session at 8:45pm.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

The meeting was reconvened at 9:50pm

Motion by Mary Nedrow/Pete Baca to go back into regular session.

Motion by Scott Cray/Mary Nedrow to direct the town manager to set up phone interviews with Charles Burkam, Scott Garms, James Martin, Shelby Myers and call David Fine and Trent Shafer to follow up with why they did not submit their questionnaire and set up interviews with them as well.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

30. Adjournment:

Motion by Scott Cray/Pete Hunt to adjourn the meeting.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

The meeting adjourned at 9:50pm

Kay Dyson, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday, May 19, 2004. I further certify that the meeting was duly called and a quorum was present.

Dated this 24th day of May 2004

Town Clerk